

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

INSTITUTE OF MEDICAL EDUCATION,
INC.,

Plaintiff,

v.

WESTERN ASSOCIATION OF SCHOOLS
AND COLLEGES; and DOES 1 through 10
inclusive,

Defendants.

Case No.: 11-CV-05755-LHK

ORDER TO FILE STATUS REPORT RE:
MEDIATION; ORDER SETTING CASE
MANAGEMENT CONFERENCE

The parties have filed a status report stating that the parties have agreed to proceed to mediation with Craig Needham on April 9, 2013. ECF No. 66. The parties are hereby ORDERED to file a status report regarding their mediation on April 16, 2013.


On February 25, 2013, Plaintiff filed a notice requesting that the Court add Seth W. Wiener of the Law Offices of Seth W. Wiener as one of Plaintiff's counsel. On February 27, 2013, Plaintiff's current counsel, Bruce Funk and Veronika Short, filed a motion to withdraw as counsel, stating that Plaintiffs' principals have rendered it unreasonably difficult for Plaintiff to carry out the representation effectively. ECF No. 68. Ms. Short and Mr. Funk report that they are unable to effectively represent Plaintiff because Plaintiff has refused to follow the advice of counsel, refused to cooperate with counsel, and made demands that made it difficult to follow the Court's orders. *See* ECF No. 68-1. Additionally, Plaintiff has apparently breached its contract for fees and

1 expenses and instructed Ms. Short and Mr. Funk to cease all work on the case. *Id.* Moreover,
2 despite retaining Mr. Wiener, Plaintiff has refused to sign a substitution of counsel. *Id.*

3 Plaintiff has gone through numerous attorneys, and each withdrawal has significantly
4 delayed this case. Furthermore, the parties have a mediation set for April 9, 2013. The Court will
5 not alter the case schedule to allow Plaintiff to change counsel yet again. In an effort to avoid any
6 further delay, the Court ORDERS Plaintiffs' principals (Sunil Vethody and Bindu Baburajan), Ms.
7 Short, Mr. Funk, and Mr. Wiener to appear in person at a case management conference on March
8 6, 2013, regardless of whether Plaintiff agrees to a substitution of counsel. If Sunil Vethody and
9 Bindu Baburajan fail to appear *in person*, the Court will dismiss Plaintiff's case.

10 **IT IS SO ORDERED.**

11 Dated: February 26, 2013



LUCY H. KOH
United States District Judge